

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventors: Alan BENSKY et al.

For: **ACCURATE DISTANCE MEASUREMENT USING RF TECHNIQUES**

1. This is a new ☒ **Utility** ☐ **Design** ☐ **Plant** patent application.
2. The papers enclosed to obtain a filing date are as follows:
 - 53 Pages of Specification including
 - 1 Title Page
 - 27 Pages of Claims
 - 1 Page of Abstract
 - 15 Sheets of drawings containing 17 Figures
3. Combined Declaration and Power of Attorney
 - ☐ Enclosed and is executed by all inventors.
 - ☒ Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time
set for filing the Declaration and paying the filing fees.

4. Language

- ☒ English
☐ Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

- ☐ An assignment of the invention to _____ and a PTO-Form-1595, Recordation Form Cover Sheet, are enclosed.

☒ An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

- ☐ Priority of the following foreign application is claimed:

Country	Application No.	Filed

Certified copy: ☐ is attached. ☐ will follow.

7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

- ☐ Priority of the following provisional application(s) is claimed:

Application No.	Filed

A. Relate Back - 35 U.S.C. §119(e)

- ☐ Amend the specification by inserting before the first line the sentence:
 "This application claims priority of copending provisional application(s)
 No. _____ filed on _____."

8. Small entity status

- ☒ Small entity status under 37 C.F.R. §§1.9 and 1.27 is asserted for the present application.

9. Fee Calculation (37 C.F.R. §1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$710.00 Design \$320.00
Total Claims (37 C.F.R. §1.16(c))	105	-20=85	\$ 18.00 each=	\$1530.00
Independent Claims (37 C.F.R. §1.16(b))	12	-3=9	\$ 80.00 each=	\$ 720.00
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			\$270.00	+
SUB-TOTAL =				\$2960.00
Reduction by 1/2 for filing by a small entity				- \$1480.00
TOTAL FILING FEE =				\$1480.00

10. Fee Payment

- ☒ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**
 This application is being filed under the provisions of 37 C.F.R. §1.53(f).
 Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

- ☐ Enclosed.
 A check in the amount of \$ _____ to cover the _____ fee is enclosed.

☐ The Commissioner is hereby authorized to charge _____ and any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

11. ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

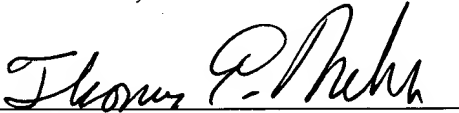
12. Additional papers enclosed:

- ☒ Form PTO/SB/35 Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) is enclosed
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, _____ documents included
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Please accord this application an application number and filing date.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Thomas E. Nelson

Reg. No. 42,030

Dated: January 16, 2001

Customer No. 009629

MORGAN, LEWIS & BOCKIUS LLP

1800 M Street, N.W.

Washington, D.C. 20036

(202) 467-7000

Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor	Alan BENSKY et al.
	Title	ACCURATE DISTANCE MEASUREMENT USING RF TECHNIQUES
	Atty Docket Number	052625-5001

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

January 16, 2001
Date

Thomas E. Nelson
Thomas E. Nelson
Reg. No.: 42,030

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Jc929 U.S. PTO
09/759601
01/16/01